

A Regular Meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the third day of November 2004, at 7:30P.M, and there were present:

PRESENT: Stanley J. Keysa, Chairman  
Rebecca Anderson, Member  
John P. Gober, Member  
Lawrence Korzeniewski, Member  
Michael Myszka, Member  
Steven Socha, Member  
Melvin Szymanski, Member

EXCUSED: None

ALSO PRESENT:

Town Board Members: Donna G. Stempniak

Other Elected Officials: None

Town Staff: Robert Labenski, Town Engineer  
Jeffrey H. Simme, Building & Zoning Inspector  
John M. Dudziak, Deputy Town Attorney  
Mary Nowak, Recording Secretary

November 3, 2004

Planning Board Members: Stanley J. Keysa, Chairman  
Rebecca Anderson  
John P. Gober  
Lawrence Korzeniewski  
Michael Myszka  
Steven Socha  
Melvin Szymanski

Town Board Members: Robert H. Giza  
Daniel Amatura  
Mark A. Montour  
Ronald Ruffino, Sr.  
Donna G. Stempniak

Town Engineer: Robert Labenski

Highway Superintendent: Richard L. Reese, Jr.

Deputy Town Attorney: John M. Dudziak

Building & Zoning Inspector: Jeffrey H. Simme

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held November 3, 2004. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting, and may be amended before approval.

Sincerely yours,

Stanley J. Keysa,  
Planning Board Chairman

SJK:mn

Meeting called to order by Chair Keysa at 7:32 PM. Motion was made by Melvin Szymanski to approve the minutes from the October 6, 2004 Planning Board Meeting. Motion seconded by John Gober and unanimously carried.

Administrative-Chair Keysa told the Planning Board that Member Myszka has returned the 7-volume New York State study on the Transit Road widening from the NYS Thruway to Main St. Another Planning Board Member can take them out. Please check with Member Anderson.

COMMUNICATIONS:

## ACTION ITEMS -

REZONE - PROPOSED REZONE ON NORTH SIDE OF BROADWAY AT VILLAGE LINE, FROM R-2 TO MFR-3 FOR THE PROPOSED USE OF TWO FOURPLEX RESIDENTIAL BUILDINGS. CONTACT PERSON: GREG & MARIETTA ZYGAI, 8300 GREINER ROAD.

This project was adjourned at the October 6, 2004 Planning Board meeting with conditions. Applicant was to schedule with the Building Dept. when information was available.

Michael Metzger, Metzger Engineering, and Greg Zygaj, owner presented to the Planning Board the proposed rezone of the 2.4 acre parcel at 5692 Broadway from R-2 to MFR-3 for the purpose of building two fourplex residential buildings behind the existing fourplex building. This project was adjourned at the October 6, 2004 Planning Board meeting. The applicant was to provide the Planning Board with additional information regarding water pressure, archeological study, and comments from New York State Dept. of Environmental Conservation. Water pressure - Mr. Metzger told the Planning Board that the results of the flow test by Erie County Water Authority show the water pressure to be 69 lbs. per square inch static pressure and the residual pressure is high. There would be no need for a booster pump. A copy of the flow test results were given to Town Engineer Robert Labenski. Archeological Study - Mr. Metzger told the Planning Board that he had contacted NYS Office of Parks, Recreation and Historic Preservation and received a letter from them requesting more information. Wetlands - Mr. Metzger stated that a federal wetlands delineation has been done and the results show that the proposed buildings would be out of that area with adequate space for water detention. He also had a letter from Charles Cranston, NYSDEC stating that there are no New York State wetlands on this parcel, only federal wetlands. The letter also stated that there are no specific New York State regulations for tree removal, but made recommendations on the handling of tree removal. Mr. Zygaj stated that not many trees would be removed for this project. Member Anderson said that building a project of this size would result in killing most of the existing trees on this site. Councilmember Stempniak told the Planning Board that a property rezone should benefit the Town and not just the petitioner. Michael Myszka made a motion to recommend approval of the rezone to the Town Board. Melvin Szymanski seconded the motion. The motion failed by a vote of 2 ayes and 5 nays. Chair Keysa asked for a motion to recommend denial of the rezone.

## DETERMINATION

Based on the information provided to the Planning Board, Rebecca Anderson made a motion to recommend denial of the rezone to the Town Board. This rezone is not beneficial to the Town of Lancaster, and since the permit for the existing fourplex was issued in error this project does not fit in with the character of the surrounding neighborhood. Motion seconded by Lawrence Korzeniewski and duly carried by a vote of 5 ayes and 2 nays.

INFORMAL CONCEPTUAL SKETCH REVIEW - PROPOSED RETAIL/RESIDENTIAL DEVELOPMENT WRAPPING AROUND THE KOHL=S SITE. PROPOSED SITE CONSISTS OF 10.9 ACRES OF COMMERCIAL PROPERTY AND 24.9 ACRES OF RESIDENTIAL PROPERTY. CONTACT PERSON: DAVID HUCK

Thomas Keller, David Huck, and Rudy Bersani presented to the Planning Board the informal conceptual sketch review for the 35.8-acre parcel wrapping around the Kohl=s site on Transit Road. The front 10.9 acres of commercial property would include a 70,000 sq. ft. retail building. Mr. Keller stated that he already has two interested tenants. The first 600' of the existing parcel is zoned for commercial use. Mr. Keller told the Planning Board that an additional 700' would need to be rezoned commercial for this project. The 24.9 acres at the rear of the parcel would be used for three different types of housing: single-family homes, patio home, and

condominiums or townhouses. Mr. Bersani stated that the idea was to build a small village-like complex. The existing CSI building on the adjacent parcel will be completely refaced. Since this project lies west of the Countryside development, the Planning Board recommended inter-connectivity. The parcel that lies east of this project is currently used for farming. In the event of future development of this parcel, stub streets were recommended for connectivity. The Planning Board recommended an easement with Kohl=s for traffic. Mr. Keller stated that Kohl=s will not agree to any easements. The Planning Board suggested connectivity with the Briarwood Apartments to the south of this project, so that traffic will not have to go out to Transit Road. The Planning Board noted that the road shown on the plan along the adjacent property is too close to the backyards of the adjacent property and asked that the road be moved. There was some discussion regarding signalization on Transit Road in this area. NYSDOT has not made a final decision on the location of the traffic signal, but it will most likely be at Jessica Lane and Transit Road. A Delta Sonic Car Wash will be constructed near the intersection of Losson Road and Transit Road resulting in more traffic along this section of Transit Road.

## OTHER MATTERS

Policy Issue - Chair Keysa told the Planning Board that currently, at the request of the Town of Cheektowaga, the Town of Lancaster notifies the Town of Cheektowaga regarding any new projects in the Town of Lancaster. However, the Town of Cheektowaga does not notify the Town of Lancaster regarding any new projects in the Town of Cheektowaga, even those at the east end that would impact the Town of Lancaster. After a brief discussion, it was the consensus of the Planning Board that a letter should be prepared by Town Attorney Richard Sherwood to the Town of Cheektowaga requesting that the Town of Lancaster be notified regarding any projects along the east end of the Town of Cheektowaga. Chair Keysa asked Deputy Town Attorney Dudziak to take care of this.

Member Szymanski recommended that all future projects presented to the Planning Board include an aerial photo to show the relationship of a proposed project to the surrounding property. These photos can be accessed at the Erie County website. Since this will require a change in the requirements for project application, Chair Keysa asked Deputy Town Attorney Dudziak to ask Town Attorney Richard Sherwood to work with Town Engineer Robert Labenski to prepare the paperwork to make this change.

At 8:50 PM Steven Socha made a motion to adjourn the meeting. Motion seconded by Michael Myszkas and unanimously carried.



